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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,831	08/24/2001	Yoshihiro Yoshii	826.1744	9739

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EXAMINER

JONES III, CLYDE H

ART UNIT PAPER NUMBER

2623

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/935,831	YOSHII ET AL.	
	Examiner	Art Unit	
	Clyde H. Jones III	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments on pages 7-9 of the 6/9/2006 Remarks, the newly added limitations are met by the Gelman, Lin and Saito references as described below.

The newly added limitation "reserving a part of the shared resources allocated or re-allocated by the shared-resource management unit and distributing the part of the shared resources continues to be met the Gelman reference as described below. The applicant argues that Gelman does not teach or suggest a reservation system in a content distribution system (pg. 8, lines 3-5), however the examiner respectfully disagrees because Gelman teaches reservation of system resources via client office and subscriber requests and transmission/network scheduling (Gelman – col. 4, lines 13-15; col. 6, lines 43-46; col. 12, lines 23-25).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102b as being anticipated by Gelman et al. (US 5,371,532).

Regarding claim 1, Gelman teaches a media-distribution-resource management apparatus system of fig. 2 & 3 (and corresponding computer-readable storage medium, means, method and carrier signal) managing shared resources (information programs, i.e., media content; col. 3, lines 33-37) and connected via a network (items 90, 91 – fig. 2-3) to media distribution servers (information warehouses 10 or Client Offices 40 provide media distribution resources for client premises equipment 70) and content distributors, (12, 13 -fig. 3; col. 3, lines 24-37; col. 4, lines 14-23; col. 4, line 65-col. 5, line 11; col. 1, lines 23-28), comprising:

a resource-utilization-information management unit (IWH 10 – fig. 2-3) managing shared-resource information about both available network resources (IWH components 11 & 15 detect conducive traffic [available] conditions on the network bandwidth for distributing the shared resources; col. 4, lines 13-23; col. 12, lines 11-15 & 23-24) and available media-distribution-system resources (managed and scheduled based on information managed by IWHs, client offices 40 are available to distribute content; col. 3, lines 45-47; col. 4, lines 13-23; col. 12, lines 21-26; col. 6, lines 43-56);

a shared-resource management unit (IWH 10) allocating (col. 3, lines 45-47) or re-allocating (col. 4, lines 19-23; col. 5, lines 30-34) the shared resources based on a resource utilization request from each content distributor (CO 40 –fig. 2-3 request use of

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information programs/content from the IWH) (col. 3, lines 34-36, 45-47; col. 6, lines 33-37, 43-50);

a distribution management unit (CO-SP 41 – fig. 3) reserving (scheduling/requesting) a part of the shared resources (segment of an information program) (col. 3, lines 49-52, lines 56-60; col. 4, lines 13-15; col. 6, lines 43-46; col. 12, lines 23-25) allocated or re-allocated by the shared-resource management unit and distributing the part of the shared resources to each of the media distribution servers (col. 3, lines 56-60) (col. 6, line 61 – col. 7, line 10 - in which the CO reserve/request a program segment to be scheduled for transmission from the IWH and after receipt of the segment the CO will transfer the segment to a CO buffer 44/server which provides the content distribution service to the client 70; col. 11, lines 28-42; col. 8, line 53 – col. 9, line 33);

a distributor management unit (IWH 10/IWH-SP 11 – fig. 3) managing information about each content distributor (the IWH manages CO request information, and script information for enabling playout of transmitted programs at the CO - col. 6, lines 33-37, 43-50; col. 6, line 68 – col. 7, line 1; col. 9, lines 1-15; col. 3, lines 49-52); and

a viewer management unit (CO 40) managing information about a viewer permitted to access at least one of the media distribution servers (CO manages subscriber request information, subscriber playback control input information, col. 3, lines 49-52; col. 3, lines 61-66).

Regarding claim 2, Gelman teaches the resource-utilization-information management unit (IWH 10), comprising:

a server-resource management unit (IWH-SP 11 – fig. 3) managing resource information about a media-distribution server (12/14 – fig. 3) (col. 6, lines 46-50); and

a network-resource management unit (IWH-SP 11- fig. 3) managing information about network resources for media distribution (col. 12, lines 11-26).

Regarding claim 3, Gelman teaches the shared-resource management unit (IWH 10), comprising:

a resource-utilization-information extraction unit (IWH-SP 11 – fig. 3) extracting available resource information from said resource-utilization-information management unit (col. 12, lines 11-12); and

a shared-resource-availability display unit displaying information about available shared resources for a media distributor (CO –40) (col. 11, lines 39-48 & lines 62-64);

a resource-utilization-information input unit (15) the media distributor inputting a resource utilization request (col. 6, lines 51-56);

a shared-resource distribution unit distributing a utilization right of the shared resource in a specific time period to said distribution management unit installed in each of the media distributors based on information that is obtained in each time zone by the resource-utilization-information extraction unit and resource-utilization-information input unit (col. 11, lines 29-42; col. 6, lines 24-26 & lines 42-45 and col. 8, lines 22-24; which reads on specific time period; col. 12, lines 18-26);

a shared-resource-utilization amount extraction unit extracting a utilization situation of the shared resource in a specific time period (col. 12, lines 11-26); and

a shared-resource re-distribution unit redistributing a utilization right of an unused one of the shared resources to said distribution management unit based on both the utilization situation and distribution request in a specific time period extracted by said distribution management unit (col. 8, lines 53-col. 9, line 33; col. 9, lines 52-56; which reads on a specific time period extracted).

Regarding claim 4, Gelman teaches the distribution management unit (CO 40), comprising:

an available reservation-candidate display unit displaying available content candidates to be reserved within a scope of a utilization right distributed by said shared-resource management unit (col. 11, lines 22-42);

a distribution-reservation input unit making a viewer select at least one content to be distributed out of the displayed candidates (col. 11, lines 42-44);

a distribution-reservation management unit reserving distribution for a viewer based on the selection made by the viewer from the displayed candidates (col. 11, lines 45-50);

a direct viewing reception unit making a viewer candidate without a reservation within a media distribution time (col. 11, lines 55-61; a program previously buffered in online storage);

a shared-resource confirmation unit making an inquiry for said shared-resource management unit about whether an unused one of the shared resources is available,

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based on the selection made by the viewer from the displayed candidates (col. 11, lines 55-64);

a direct-viewing permitting unit permitting viewing within the media distribution time based on the utilization right re-distributed by said shared-resource management unit (col. 11, line 64- col. 12, line 26; col. 8, line 53 – col. 9, lines 33; which reads on re-distributed); and

a distribution-instructing unit instructing the media distribution server to perform media distribution to a viewer that is permitted to receive direct distribution out of both viewers with the reservation of media distribution and viewer candidates without reservations (col. 12, lines 15-19).

Regarding claim 7, it is analyzed and rejected the same as claim 1 above.

Regarding claim 8, it is analyzed and rejected the same as claim 1 above.

Regarding claim 9, it is analyzed and rejected the same as claim 1 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelman et al. (US 5,371,532) and Lin et al. (US 6,052,785).

Regarding claim 5, Gelman discloses the distributor management unit/IWH 10 is connected to a plurality of media distributors/COs 40 via a (bidirectional link/multi-tiered) network 90 –fig. 2 (col. 6, lines 8-14). Gelman further teaches a distributor-information input unit receiving from the content distributor an identifier (central office addressing information) of the content distributor (col. 5, lines 55-59, lines 37-39).

However, Gelman fails to specifically disclose a distributor authentication unit authenticating the content distributor based on the identifier.

In an analogous art Lin teaches in a multi-tiered distributed processing architecture it is desirable to provide a distributor authentication unit 150 – fig. 1 authenticating distributors (server/clients below the authenticating middle tier server) based on an identifier (credential/User ID/Distinguished Name) (col. 5, lines 35-37, 51-53; col. 6, lines 40-45; col. 7, lines 13-14; col. 5, lines 14-22) for the purpose of better protecting encryption keys (col. 5, lines 64-68) and repeatedly validating client access to multiple applications without the overhead and increasing server responsiveness and throughput (col. 8, lines 10-18; col. 4, lines 30-39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Gelman to include a distributor authentication unit authenticating the media distributor based on the identifier as taught by Lin for the advantage of increasing system security by validating client access to

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multiple applications without large increases in server overhead and increasing server responsiveness and throughput (Lin - col. 8, lines 10-18; col. 4, lines 30-39).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gelman et al. (US 5,371,532) and Saito et al. (US 6,275,941 B1).

Regarding claim 6, Gelman discloses dynamically dedicating a CO buffer 44 (fig. 2) to individual viewer candidates/CPEs 70/VOD subscribers from a plurality of CPEs (col. 7, lines 2-21) however, Gelman fails to disclose the viewer management unit (CO 40), comprises:

- a viewer-information input unit inputting information about a viewer candidate;
- and

- a viewer authentication unit authenticating the viewer candidate based on the input information.

In an analogous art Saito teaches it is desirable to provide a viewer management unit/application server 6 (fig. 1), that comprises:

- a viewer-information input unit inputting information about a viewer candidate;
- and

- a viewer authentication unit authenticating the viewer candidate based on the input information (col. 8, line 67 – col. 9, line 11), for the purpose of checking whether the user has right to access the application server based on security information (col. 9, lines 12-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Gelman to include the limitations the viewer management unit, comprising:

a viewer-information input unit inputting information about a viewer candidate;
and

a viewer authentication unit authenticating the viewer candidate based on the input information as taught by Saito for the advantage of increased security and user access control (Saito - col. 9, lines 12-15; Gelman – col. 7, lines 2-4).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJ



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